

## Message Text

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71

ACTION EB-11

INFO OCT-01 ARA-16 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 L-03 SS-20 NSC-10 DRC-01

/082 W

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P 052045Z NOV 73

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 4165

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E.O. 11652: N/A

TAGS: ETRN, AR

SUBJECT: CIVAIR: US/ARGENTINE ARRANGEMENTS

REF: (A) BUENOS AIRES 7556

(B) STATE 198762

(C) BUENOS AIRES 7287

1. SUMMARY: GOA HAS RESPONDED FORMALLY, IN NOTE DATED NOVEMBER 2, TO US PROPOSAL THAT CIVAIR DISCUSSIONS BE HELD IN WASHINGTON NOVEMBER 19. GOA REPLY INDICATES READINESS BEGIN DISCUSSIONS ONLY IF US ABLE TO ACCEPT NUMBER OF CRITERIA AND PROPOSITIONS WHICH HAVE CAUSED USG GREAT DIFFICULTY IN PAST. GOA NOTE AND SUGGESTED CRITERIA SUMMARIZED BELOW. GOA INTENTIONS RE IMPROVING CIVIL AIR RELATIONS APPEAR UNCERTAIN. EMBASSY SEEKING CLUES TO REAL GOA INTENTIONS. END SUMMARY.

2. FIRST PERSON NOTE, ADDRESSED TO AMBASSADOR FROM UNDERSECRETARY TETTAMANTI, AND DELIVERED TO EMBASSY 7:30 P.M NOVEMBER 2ND, AFTER REFERENCES TO SUBJECT AND EMBASSY'S NOTE DATED OCTOBER 18 SUGGESTING NEGOTIATIONS IN WASHINGTON BEGINNING NOVEMBER 19, READS AS FOLLOWS: "OUR GOVERNMENT CONSIDERS IT NECESSARY TO RECONCILE A PRIORI DIVERGENT ASPECTS REPRESENTED BY THE POSITIONS OUR COUNTRIES HAVE ASSUMED. WE BELIEVE THAT, IN ORDER TO INITIATE WORTHWHILE NEGOTIATIONS THAT CAN MAKE

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POSSIBLE THE COMPLETION OF AN AGREEMENT THAT WILL PROVE DURABLE

AND SATISFACTORY FOR BOTH GOVERNMENTS, IT IS NECESSARY TO IMBUE THE NEGOTIATIONS WITH A BROAD SPIRIT OF COOPERATION THAT WILL CARRY US TO A TOTAL REVISION OF THE CIVAIR TIES BETWEEN OUR TWO COUNTRIES. I AM ATTACHING TO THIS DOCUMENT A LIST OF BASIC CRITERIA ON WHICH WE BELIEVE FUTURE NEGOTIATIONS SHOULD BE BASED. IF THESE ARE CONSIDERED, BY THE AUTHORITIES OF YOUR COUNTRY, AS AN ADEQUATE POINT OF DEPARTURE FOR BEGINNING AN ANALYSIS OF PRESENT AIR TRAFFIC BETWEEN OUR TWO COUNTRIES, I REQUEST THAT YOU SO INFORM ME SO THAT THE ARRANGEMENTS FOR THE DEPARTURE OF OUR DELEGATION CAN BE MADE AS PROMPTLY AS POSSIBLE." LETTER ENDS WITH PROFORMA COMPLIMENTARY CLOSE.

3. ATTACHMENT TO ABOVE NOTE CARRIES HEADING, "BASIC CRITERIA FOR CONSIDERING THE INTERESTS AND NEEDS OF ARGENTINE/NORTH AMERICAN CIVAIR TRAFFIC" AND PROCEEDS IN SEVEN PARAGRAPHS AS FOLLOWS:

"(A) CIVAIR RELATIONS BETWEEN BOTH COUNTRIES SHOULD BE BASED UPON CRITERIA OF UNDERSTANDING WHICH, PREVIOUSLY AGREED BETWEEN BOTH AERONAUTICAL AUTHORITIES WILL ASSURE ESTABLISHMENT OF THE HEALTHY, JUST AND EQUAL OPPORTUNITY FOR OPERATIONS ACCORDING TO INTERNATIONAL NORMS AND ALSO DULY SATISFY EXISTING TRAFFIC NEEDS IN ACCORDANCE WITH THE INTERESTS AND LEGAL REGULATIONS OF EACH NATION.

(B) THE PRINCIPAL PURPOSE OF CIVAIR SERVICES BETWEEN BOTH COUNTRIES IS THE CARRIAGE OF PRIMARY TRAFFIC (3RD AND 4TH FREEDOMS).

(C) THE SERVICES TO BE OFFERED BETWEEN BOTH COUNTRIES AND THE CORRESPONDING ASSIGNMENT OF CAPACITY SHOULD BE BASED ON THE PRESENT NEEDS TO BE SATISFIED WITH PRIMARY TRAFFIC PLUS A REASONABLE PERCENTAGE FOR NONREGIONAL SECONDARY TRAFFIC. THIS REASONABLE PERCENTAGE SHOULD NOT EXCEED, FOR EACH FLAG, THE TOTAL OF PRIMARY TRAFFIC, EXCEPT IN THOSE CASES IN WHICH FOR RECIPROCITY AND/OR MUTUAL CONVENIENCE, IT IS AGREED TO GRANT 5TH FREEDOM TRAFFIC RIGHTS GREATER THAN THAT ESTABLISHED FOR 3RD AND 4TH FREEDOMS.

(D) REGIONAL TRAFFIC COMPRIMES SERVICES PROVIDED UNDER 3RD AND 4TH FREEDOMS BETWEEN THE COUNTRIES INVOLVED AND, FOR THIS REASON, A SPECIAL SYSTEM, PROTECTING THE INTERESTS AND RIGHTS OF THE COUNTRIES CONCERNED, WILL GOVERN OTHER TYPES OF TRAFFIC CARRIED ON BY 3RD COUNTRY CARRIERS BETWEEN SUCH POINTS.

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(E) ANY INCREASE IN CAPACITY SHOULD BE BASED ON PROVEN NEEDS IN PRIMARY TRAFFIC, PROVIDED THE LOAD FACTORS FIXED BY EACH COUNTRY IN THE SERVICE PROVIDED BY BOTH FLAGS HAVE BEEN EXCEEDED, THE CAPACITY TO BE AUTHORIZED IN SUCH CASES WOULD BE THE RESULT OF A REASONABLE STATISTICAL PROJECTION OF THE DEMAND FOR PRIMARY TRAFFIC.

(F) APPLICATIONS FOR NEW SERVICES, CHANGES IN CAPACITY AND TRAFFIC RIGHTS WILL BE PRESENTED FIRST BY EACH AIRLINE TO THE

AUTHORITIES OF ITS OWN COUNTRY WHICH WILL ANALYZE THE REQUEST AND, IF IT DETERMINES THE REQUEST FALLS WITHIN THE NORMS OF UNDERSTANDING AGREED TO, WILL SUBMIT IT TO THE CIVAIR AUTHORITIES OF THE OTHER COUNTRY FOR ITS CONSIDERATION AND DECISION.

(G) BOTH FLAGS HAVE THE RIGHT TO AN EQUAL SHARE IN THE PRIMARY TRAFFIC MARKET AND TO COMPENSATORY RECIPROCITY IN SECONDARY TRAFFIC RIGHTS THAT ARE IN USE OR MAY BE GRANTED IN THE FUTURE. THE INCAPACITY OF ONE OF THEM, OR ITS DECISION TO LIMIT ITS USE OF USCH RIGHTS, WILL NOT IMPLY IT IS DESISTING, NOR ENABLE THE OTHER FLAG TO ASSUME SUCH RIGHTS, ALTHOUGH IT MAY BE POSSIBLE TO AGREE, BY MUTUAL ACCORD, ON TEMPORARY CESSIONS OF SUCH RIGHTS IN ORDER THAT THE REAL REQUIREMENTS OF THE MARKET MAY BE SATISFIED."

4. COMMENT: ARGENTINE POSITION AS OUTLINED IN ENCLOSURE TO TETTAMANTI'S LETTER DOES NOT APPEAR TO HAVE BEEN MODIFIED FROM THAT SUSTAINED UP TO 1972 NEGOTIATIONS. ARGENTINE POSITION WOULD SEEM TO IMPLY REDUCTION OF COMBINED SERVICES OF BOTH FLAGS ON 3RD AND 4TH FREEDOMS TO ONLY DOUBLE WHAT AEROLINEAS ARGENTINA'S INADEQUATE EQUIPMENT, ORGANIZATION AND PROMOTION EFFORTS WILL GENERATE, AND TO PLACE SEVERE RESTRICTIONS ON 5TH FREEDOM RIGHTS. AT PRESENT EMBASSY SEES NO POSITIVE SIGNS OF MORE PROGRESSIVE ATTITUDE NOR MORE EFFICIENT ORGANIZATION IN AEROLINEAS.

5. TENOR OF ARGENTINE NOTE DELIVERED NOVEMBER 2 DOES NOT AUGUR WELL FOR SUCCESSFUL DISCUSSIONS BEGINNING NOVEMBER 19. SEVERAL OF THE POINTS HIGHLIGHTED BY GOA WERE UNACCEPTABLE TO USG IN 1972 AND, WE ASSUME, ARE STILL UNACCEPTABLE TODAY. GOA INSISTENCE THAT ITS CRITERIA BE ACCEPTED AS A CONDITION FOR NOVEMBER 19 DISCUSSIONS MAY INDICATE GOA DOES NOT ACTUALLY WISH UNDERTAKE NEGOTIATIONS AT THIS TIME. ALTERNATIVELY, GOA MAY BE SEEKING US ACCEPTANCE OF MOST OR SOME CRITERIA AS A PRICE FOR INITIATING LIMITED OFFICIAL USE

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DISCUSSIONS.

6. EMBASSY WILL SEEK TO DEVELOP SOONEST ALL POSSIBLE INDICATIONS OF TRUE INTENTIONS GOA THIS AREA AND WILL REPORT WITH RECOMMENDATIONS.

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, AGREEMENTS, AIR TRAFFIC CONTROL  
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**Copy:** SINGLE  
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**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
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**Previous Handling Restrictions:** n/a  
**Reference:** (A) BUENOS AIRES 7556  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 15 JAN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <15-Jan-2002 by shawdg>; APPROVED <06-Feb-2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**Subject:** CIVAIR: US/ARGENTINE ARRANGEMENTS  
**TAGS:** ETRN, AR  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005